

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JUAN DE DIOS CRUZ ROJAS,

Case No. 2:17-cv-00802-TC
ORDER

Petitioner,

vs.

JERE TAYLOR,

Respondent.

AIKEN, District Judge:

Magistrate Judge Thomas Coffin filed his Findings and Recommendation (“F&R”) (doc. 36) on November 28, 2018 recommending that the Petition for Writ of Habeas Corpus (doc. 1) be denied. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections have been timely filed.¹ Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates

¹ The Court notes that it previously granted an extension of time file objections. (doc. 46) The deadline to file objections passed on March 14, 2019.

Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule).

Having reviewed the file of this case and Magistrate Judge Coffin’s order, I find no clear error. Thus, I adopt Magistrate Judge Coffin’s F&R (doc. 36) in its entirety. Accordingly, the Petition (doc. 1) is DENIED, and this case is DISMISSED, with prejudice. The Court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 26th day of March, 2019.

A handwritten signature in black ink, appearing to read "Ann Aiken", written in a cursive style.

Ann Aiken
United States District Judge